

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of
Kyle L. Briscoe
Respondent

Civil Citation No. 72161
3651 Hilmar Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 3, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01, 428, failure to cease illegal parking/storage of unlicensed vehicles on the premises on residential property zoned DR 5.5 known as 3651 Hilmar Road, 21244.

On February 5, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,600.00 (six thousand six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 4, 2010 for removal of untagged/inoperative motor vehicles, and remove battery and tires from this residential property. This Citation was issued on February 5, 2010.

B. Photographs in the file show a Mazda sedan and a Chevrolet van parked outside on the driveway, without valid tags. Both vehicles appear to have flat tires. Re-inspection on March 2, 2010 found both vehicles still parked outside without tags. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicles and make them operable, or remove them from the property.

C. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if the violations are corrected by March 31, 2010.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16th day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer